

REMARKS

This is in response to the Office Action dated April 14, 2004. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

Initially, filed concurrently herewith, is a certified copy of Japanese Patent Application No. 2002-349207, filed November 29, 2002. The Examiner is respectfully requested to acknowledge receipt of the certified copy.

Next, the abstract has been reviewed and revised, and a substitute abstract has been enclosed along with a "marked-up" copy to show the changes that have been incorporated into the substitute abstract. The enclosed copy is entitled "Substitute Abstract."

Next, on page 2 of the Office Action, the original claims are rejected as follows:

Claims 1-8 are rejected under 35 U.S.C. §102(e) as being anticipated by Watanabe et al (U.S. 2003-0066719A1).

In response, claims 1-6 have been cancelled and independent claim 7 has been amended. Accordingly, claims 7-8 are currently pending in the present application. It is submitted that the present invention, as defined in amended claim 7, now clearly patentably distinguishes over the Watanabe reference for the following reasons.

In claims 7 and 8, the recited "resilient member" corresponds to the coil spring 60 which is illustrated in Fig. 1 of the present application.

Claim 7 specifically recites that the resilient member is "provided between the rotating member (32) in said rotary-to-rectilinear motion converting mechanism and the limiter (51) in said pad wear compensating mechanism."

In the rejection, the Examiner refers to spring 47 of the Watanabe reference. However, the Watanabe spring 47 is not provided between the rotating member (first disk) 31 and the limiter 44 as required in claim 7. As shown in Fig. 2 of Watanabe, the spring 47 is located between the limiter 44 and the spring holder 46 which is secured to the rectilinearly moving member (second disk) 32. Thus, the coil spring 47 of the Watanabe reference actually corresponds to spring 54 of the present application, rather than the spring 60.

Further, claim 7 has been amended to more clearly describe the function of the play that is

provided between the rotating member and the limiter. That is, by providing the play, the resilient member can rotate the rotating member to provide a predetermined clearance between the piston and the pad even in the event of a failure in the operation of the rotary actuator. Although the Watanabe reference describes a similar "play" (i.e. "clearance"; see paragraph [0033], line 5), there is no description of the function provided by such clearance.

As described above, it is clear that the Watanabe reference does not disclose each and every limitation of claim 7, and therefore the Watanabe reference cannot anticipate claim 7 under 35 U.S.C. 102(e).

Claim 8 is allowable at least by virtue of its dependency.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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